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JOHN C. FERRY

December 140, 2007

Via E-Mail

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Re: Tuttle v. Chase Insurance Life & Annuity Co., et al
USDC Case No. 07-03637 SI

Dear Counsel:

This will confirm that we reserved three possible dates for the mediation in this case, pending client confirmation. Those dates are January 22, 23 and 24, 2008. We will meet at my offices at 44 Montgomery Street, Suite 2500, San Francisco, California, beginning at 10:00 a.m. We agreed to keep the whole day available to allow the mediation to continue as long as it is being productive.

Please make sure that the written statements described in ADR L.R. 6-7 are exchanged and in my office by Friday, January 18, 2008. Please include any key documents you feel I should read. If you think it would be helpful to our mediation, I also invite you to submit to me – but not exchange – confidential statements relating, for example, to obstacles to or options for settlement.

Also, please remember to arrange for your clients' attendance. As we discussed, both Mr. and Mrs. Tuttle will appear as plaintiff's representative and Richard Liederman will appear as defendant's representative. Defendant will seek leave from Judge Brazil to permit its representative to appear telephonically.

Please prepare for the mediation by discussing each of the following items with your

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James F. Kemp, Esq.
Linda B. Oliver, Esq.
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clients:

- ▶ clients' interests, not just positions, and how these interests could be met;
- ▶ other side's interests, and how these could be met;
- ▶ best and worst alternatives to a negotiated settlement;
- ▶ strengths and weaknesses of case; and
- ▶ estimated budget to litigate the case through trial.

As we discussed, under ADR L.R. 6-3(b) I will donate my preparation time and the first four hours of the mediation. If the case has not resolved and you all agree to continue, I will charge the court-set rate of \$200 per hour for the next four hours. After eight hours of session time, I will charge my hourly rate of \$350.00.

I look forward to working with you to resolve this case.

Sincerely yours,

John C. Ferry

cc: Clerk's Office-ADR Unit, via email